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EXAMINER

BASOM, BLAINE T

ART UNIT	PAPER NUMBER
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2173

DATE MAILED: 10/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/660,803

Applicant(s)

FETTERMAN, ROBERT

Examiner

Blaine Basom

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-49 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 September 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 14, 20, 27, 28, 41, 47, and 48 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Regarding claims 14 and 28, it is unclear whether the “sales volume information,” the “profit information,” and the “cash flow information” recited in each claim are joined conjunctively or disjunctively, as there is no “and,” “or,” or a similar term in the claim to link the terms. As per claim 20, there is no antecedent basis for “[t]he method of claim B219,” as is recited in claim 20. In claim 27, there is no antecedent basis for “said database,” as claim 26, upon which claim 27 depends, recites two distinct databases. Regarding claim 41, the recitation of “(e.g.)” in the claim is unnecessary, and claim 41 is not in sentence form, as there is no period in the claim. Referring to claims 47 and 48, there is no antecedent basis for “the visual indication of at least one status” recited in each of these claims.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 10-11, and 45-48 are rejected under 35 U.S.C. 102(b) as being anticipated by the "Project Gateway 5" system (hereafter referred to as "Project Gateway"), as is described by the "Project Gateway 5 Repository User Manual" (which is hereafter referred to as "the User Manual"). In general, Project Gateway is a network-based system for building and maintaining project information, such as schedules, deliverables, and task assignments, and for facilitating access to this information (for example, see page 1 of the User Manual). Such information, which is considered performance information, is understood to be associated with a business organization (for example, see page 113 of the User Manual). Additionally, it is understood that this information may comprise at least current year, past year, and plan information (for example, see pages 1, 3-4, the "Time Scale" section on page 133, and pages 193-195). The Project Gateway system is consequently considered a network-based system for managing a business organization, the business organization having performance information stored electronically in a storage device, wherein the performance information includes at least current year, past year, and plan information.

Specifically regarding claim 1, the Project Gateway system is understood to comprise a host computer, which maintains a central database, and which is accessible over the Internet (for example, see page 1). One or more remote computers, referred to as clients, are capable of

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accessing this host computer through a network, specifically by operating browser software for interacting with the host computer (for example, see page 11). It is further understood that the host computer dynamically processes the performance information in response to requests received from a client computer, and produces performance information as a browser-displayable data file that includes at least one graphical representation of the performance information in accordance with a selection specified by the remote computer (for example, see pages 3-6; 89-91, 103, and 147-149).

Concerning claim 10, this graphical representation may comprise a project status indicator, specifically in the form of a table or chart, which includes a visual indication of the status of the project against a deliverable, an indication of the status against a milestone, and an indication of the status against a resource plan (see pages 147-149, 103, 142-143, and 34-35).

As per claim 11, the Project Gateway system may be used to link a plurality of "key events," such as milestones, to a deliverable (see pages 28, and 151-152). As a result, the status of the deliverable may be updated in response to updates in the status of the key events (see page 152). In such a case, the Project Gateway system is considered to comprise a project status monitor, like that recited in claim 11, which initiates a polling process at a project milestone and automatically completes a qualitative assessment of project status against a deliverable.

With respect to claim 45, the Project Gateway system amasses, in a database, project data for one or more projects (again, see page 1 of the User Manual). Such project data may particularly include one or more deliverables (see pages 3-4), a schedule of assignments with one or more milestones (see pages 3-4, and 27-28), and a resource plan indicating the planned workload for a project (see pages 3-4). Additionally, performance data indicating the actual

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performance against the deliverables, milestones, and planned workload is gathered and stored along with such information (see pages 3-4, 27-28, and 147-148 of the User Manual). The Project Gateway system processes the performance data in relation to the project data so as to produce a graphical representation of the performance data against the project data, whereby a visually perceptible output is displayed to depict the performance in the areas of deliverables, milestones, and resources (for example, see pages 147-149, 103, and 34-35). Consequently, Project Gateway is considered to teach a method, like that recited in claim 45, which is for portraying the status of a project

Regarding claims 46-48, this graphical representation includes a project status indicator, specifically in the form of a table or chart, which includes a visual indication of the performance against a deliverable, an indication of the performance against a milestone, and an indication of the performance against a resource plan (see pages 147-149, 103, 142-143, and 34-35). In the case of deliverables and milestones, this indication may be accomplished using a color scheme and an icon (see pages 147-149, 103, and 142-143).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 49 is rejected under 35 U.S.C. 103(a) as being unpatentable over the Project Gateway system described above, and also over U.S. Patent No. 5,016,170, which is attributed to Pollalis et al. (and hereafter referred to as "Pollalis"). As described above, the Project Gateway system teaches a method like that recited in claim 46, whereby a graphical representation having a project status indicator is generated to indicate performance against a deliverable, a milestone, and a resource plan. Project Gateway may particularly generate a chart depicting project milestones and task status with respect to a timeline (see pages 103, 127, and 142-144 of the User Manual), in addition to a list of deliverables in association with notations for the status against such deliverables (see pages 147-149 of the User Manual). Moreover, as described above, Project Gateway may maintain the status of resources, particularly the workload, spent on a project with respect to a resource plan (for example, see page 4). The Project Gateway system, however, does not explicitly teach generating a bar graph indicating such a status, as is expressed in claim 49.

Similar to the Project Gateway system, Pollalis describes a computer-implemented project management system, whereby the tasks and resources, specifically the workload, required to complete the tasks are planned and monitored (see column 1, lines 5-19). Regarding the claimed invention, Pollalis teaches generating a bar graph indicating the status of resources

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spend on the project with respect to a resource plan (see column 1, lines 39-57; and column 9, lines 27-33).

It would have therefore been obvious to one of ordinary skill in the art, having the teachings of the Project Gateway system and Pollalis before him at the time the invention was made, to modify the Project Gateway system such that it is able to generate the bar graphs of Pollalis. It would have been advantageous to one of ordinary skill to utilize this combination, because such bar graphs visually depict the amount of resources spent on a project task, allowing the user to quickly ascertain such amounts and to compare these amounts among tasks, as is demonstrated by Pollalis. The user is thus enabled to make the best use of his or her experience and judgment (see column 2, lines 31-43 of Pollalis).

Claims 1, 4, 8, 12, 13, 16, 17, 18, 21, 25, 26, 27, 30, 31, 32, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,832,496, which is attributed to Anand et al. (and hereafter referred to as "Anand"), and also over U.S. Patent No. 6,032,125, which is attributed to Ando. In general, Anand describes a system for generating concise reports of the business information of an enterprise, this business information particularly being maintained by a database (see column 1, line 20 – column 2, line 32). Such reports are transferred from a server computer, over a network, to a client computer for presentation to the user (for example, see column 6, line 48 – column 7, line 56). This system of Anand is consequently considered a network-based system for managing a business organization, the business organization having performance information stored electronically in a storage device.

Particularly regarding claim 1, the server of the above-described system of Anand is considered a “host computer” like that of the claimed invention, as it has a database associated therewith, whereby the database maintains a “data warehouse” storing performance information, such as current year and past year information, for a business organization (see column 7, lines 30-56; column 11, line 62 – column 12, line 65; and for example, column 18, lines 38-48). Additionally, the client computer described by Anand is considered a “remote computer” like that of the claimed invention, as it is capable of accessing the server through a network, and because it operates browser software for interacting with the server (for example, see column 7, lines 38-44; and for example, column 10, lines 55-61). Anand discloses that a “DAI subsystem” implemented by the server computer dynamically processes the performance information in response to requests received from the client computer, and produces performance information as a browser-displayable data file, specifically a report, i.e. “InfoFrame,” which may include at least one graphical representation of the performance information in accordance with a selection specified by the client (see column 7, lines 30-37; column 10, line 55 – column 11, line 2; and column 14, line 51 – column 15, line 61). Thus, Anand presents a network-based system for managing a business organization, the business organization having performance information stored electronically in a storage device, wherein the performance information includes at least current year and past year information. Anand, however, fails to explicitly disclose that this performance information also comprises “plan information,” as is recited in claim 1.

Like Anand, Ando presents a system for graphically presenting the performance information of an enterprise, such as the current and past year sales information of the enterprise, for example (see figure 7, and its associated description in column 7, lines 28-40). Regarding the

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claimed invention, Ando discloses that such performance information may also comprise plan information (for example, see figure 7, and its associated description in column 7, lines 28-40).

It would have been obvious to one of ordinary skill in the art, having the teachings of Anand and Ando before him at the time the invention was made, to modify the performance information maintained by the system of Anand, such that the information additionally comprises plan information, as is done by Ando. It would have been advantageous to one of ordinary skill to utilize this combination because such plan information is determined and analyzed regularly in business, as is taught by Ando (for example, see column 1, lines 5-31). The system taught by this combination would thus be more useful in analyzing business performance.

In reference to claims 18 and 33, it is understood that with the above-described combination of Anand and Ando, performance information is necessarily uploaded to the server database via a computer, particularly in order to maintain up-to-date information for the business organization. Consequently, the above-described combination of Anand and Ando is considered to teach a method like that recited in claims 18 and 33, which are for monitoring the performance of a business organization and displaying the performance.

Concerning claim 32, the above-described system of Anand and Ando comprises: a server computer; a database, accessible by the server computer, for storing performance information for a business organization, wherein the performance information includes at least current year, past year, and plan information; and a user interface, accessible via the server computer, for interacting with the server computer and database, wherein the server computer dynamically processes the performance information stored in the database in response to a user's

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requests, and displays performance information including at least one graphical representation of the performance information, as is described above. The above-described system of Anand and Ando is thus considered a system, like that recited in claim 32, which is for displaying the performance of a business organization.

Regarding claims 4 and 21, Ando teaches that a graphical representation of performance information presented to the user may include an indication of current performance relative to a prior period and a plan for the current period (see figure 7, and its associated description in column 7, lines 28-40). It is consequently understood that the above-described system of Anand and Ando, which maintains such performance information and generates reports having graphical representations of maintained performance information, generates reports comprising a graphical representation of performance information, whereby the graphical representation similarly includes an indication of current performance relative to a prior period and a plan for the current period.

With respect to claims 8 and 25, Ando teaches including a color-coded indicator within a graphical representation of performance data, particularly in order to differentiate the various sets of performance data being displayed (for example, see figure 7). Anand provides a similar teaching (see figure 12 of Anand). It is consequently understood that the above-described system of Anand and Ando, the graphical representations of performance information may comprise a color-coded indicator.

Regarding claims 12, 13, 26, and 27, it is understood that the server of Anand maintains user preference and profile information (see column 7, line 66 – column 8, line 7; column 11, lines 21-32; and column 20, lines 27-31). Additionally, it is understood that this server maintains

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a client name field used to verify the user when he or she logs on, an update frequency field regarding when to generate updated reports, i.e. InfoFrames, and a relation to a business rules directory which is used in generating the reports (see column 7, line 66 – column 8, line 7; column 8, lines 56-67; column 10, lines 8-17; column 12, lines 45-50; column 18, lines 32-37; and column 38, lines 1-15). The server database of the above-described combination of Anand and Ando is thus considered to comprise a client account profile database and a client database, like those recited in claims 12, 13, 26, and 27.

In reference to claims 16 and 30, Ando discloses that a user may enter, and specifically adjust, a user action plan related to the performance information of a business enterprise (for example, see figure 7, and its corresponding description in column 7, lines 28-40). Anand correspondingly teaches storing the performance information of a business enterprise via a database (for example, see column 1, line 20 – column 2, line 32). The above-described system of Anand and Ando is therefore understood to comprise a database for receiving user action plans related to the performance information of a business enterprise.

As per claims 17 and 31, Anand discloses that a user may enter annotations relating to the performance information of a generated report (see column 11, lines 11-12). It is understood that such annotations may be stored by the client or server computer (see column 31, lines 60-64, and column 36, lines 6-9). The above-described system of Anand and Ando is thus considered to comprise a database for receiving user comments relating to the performance information.

Claims 2, 3, 19, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Anand and Ando, which is described above, and also over U.S. Patent No.

5,442,741, which is attributed to Hughes et al. (and hereafter referred to as "Hughes").

Specifically regarding claims 2 and 19, the above-described combination of Anand and Ando teaches a networked-based system and method like that of claims 1 and 18, respectively, which are for managing a business organization having performance information stored electronically in a storage device. Anand and Ando particularly teach generating a report, which comprises a graphical representation of the performance information, as is described above. However, neither Anand nor Ando explicitly disclose that this graphical representation includes a gas-gauge representation of the performance information, as is recited in claims 2 and 19.

Like Anand and Ando, Hughes discusses displaying a graphical representation of information on a computer display screen (see column 3, lines 52-58 of Hughes). Regarding the claimed invention, Hughes particularly teaches that such a graphical representation may comprise a "gauge" (see column 2, lines 9-24; and column 9, lines 10-24). Such a gauge is considered a "gas-gauge," like that of the present application, because of its resemblance to a gas gauge (see figure 9A, for example).

It would have therefore been obvious to one of ordinary skill in the art, having the teachings of Anand, Ando, and Hughes before him at the time the invention was made, to modify the system of Anand and Ando, such that it also may generate reports comprising gas-gauge graphical representations of the performance information, as is taught by Hughes. It would have been advantageous to one of ordinary skill to utilize this combination because such gas gauge representations are useful in analyzing various aspects of data, as is demonstrated by Hughes. The system taught by this combination, having the ability to create a larger variety of graphical

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representations of performance data, would be thus be more useful for analyzing business performance and for managing a business.

Concerning claims 3 and 20, Ando teaches generating a graphical representation of performance information, whereby the graphical representation includes an indication of current performance relative to a prior period and a plan for a current period (see figure 7, and its associated description in column 7, lines 28-40). Similarly, the gas-gauge described by Hughes may include an indication of current performance relative to other performance data, such as historical data (see column 9, lines 10-39). It is therefore understood that with the above-described combination of Anand, Ando, and Hughes, a gas-gauge graphical representation may be implemented to indicate current performance relative to a prior period and a plan for the current period.

Claims 5 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Anand, Ando, and Hughes, which is described above, and also over U.S. Patent No. 6,578,004, which is attributed to Cimral et al. (and hereafter referred to as "Cimral"). As described above, Anand, Ando, and Hughes teach a networked-based system and method like that of claims 1 and 18, respectively, which is for managing a business organization having performance information stored electronically in a storage device. Anand, Ando, and Hughes particularly teach generating a browser-displayable file, specifically a report, which comprises a gas-gauge graphical representation of the performance information, as is described above. However, neither Anand, Ando, nor Hughes explicitly disclose that a plurality of such gas-gauge

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representations of different performance may be displayed, whereas recited in claims 5 and 22, the browser-displayable file provides the appearance of a performance dashboard.

Like Anand and Ando, Cimral presents a system for managing an enterprise, whereby the performance information of the enterprise is maintained, and various graphical representations of this performance information are generated for display to the user (see column 1, line 8 – column 2, line 24). Regarding the claimed invention, Cimral teaches generating a performance dashboard, having a plurality of graphical representations of different performance information (see, for example, figure 3a, and its associated description in column 4, lines 25-42). As described above, Hughes teaches that such graphical representations may comprise gas-gauge representations of the performance information.

Consequently, it would have been obvious to one of ordinary skill in the art, having the teachings of Anand, Ando, Hughes, and Cimral before him at the time the invention was made, to modify the system of Anand, Ando, and Hughes, such that it also may generate performance dashboards comprising a plurality of graphical representations, including gas-gauge representations, as is taught by Cimral. It would have been advantageous to one of ordinary skill to utilize this combination because such dashboards, comprising a plurality of graphical representations of performance information, are useful in displaying a broad overview of the performance of the business organization, as is demonstrated by Cimral. The system taught by this combination, having such functionality, would be thus be more useful for analyzing business performance and for managing a business.

Claims 6, 7, 9, 23, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Anand and Ando, which is described above, and also over U.S. Patent No. 6,578,009, which is attributed to Shinozaki. Specifically regarding claims 6 and 23, Anand and Ando present a networked-based system and method like that of claims 1 and 18, respectively, which are for managing a business organization having performance information stored electronically in a storage device. Anand and Ando particularly teach generating a report, which comprises a graphical representation of the performance information, as is described above. However, neither Anand nor Ando explicitly disclose that this graphical representation comprises a vertical bar graph, as is recited in each of claims 6 and 23.

Like Anand and Ando, Shinozaki presents a network-based system which is used for managing a business organization (see column 3, line 25 – column 4, line 40 of Shinozaki). Such a system particularly is used to generate a graphical report of performance information for the business organization, whereby like Anand and Ando, this performance information comprises current year and past year performance information (see column 4, lines 26-40; and column 14, lines 32-47). Regarding the claimed invention, Shinozaki teaches implementing a vertical bar graph to present this performance information to the user, along with planned budget information (see figure 7, and its corresponding description in column 32, line 49 – column 33, line 23).

It would have therefore been obvious to one of ordinary skill in the art, having the teachings of Anand, Ando, and Shinozaki before him at the time the invention was made, to modify the system of Anand and Ando, such that it also may generate reports comprising vertical bar graphs of the performance information, as is taught by Shinozaki. It would have been

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advantageous to one of ordinary skill to utilize this combination because such vertical bar graphs are useful in analyzing particular aspects of data, as is demonstrated by Shinozaki. The system taught by this combination, having the ability to create and view a larger variety of graphical representations of performance data, would be thus be more useful for analyzing business performance and for managing a business.

Concerning claims 7 and 24, Ando teaches generating a graphical representation of performance information, whereby the graphical representation includes an indication of current performance relative to a prior period and a plan for a current period (see figure 7, and its associated description in column 7, lines 28-40). Similarly, the vertical bar graph described by Shinozaki may include an indication of current performance relative to past performance data and planned budget data (see figure 7, and its corresponding description in column 32, line 49 – column 33, line 23). It is therefore understood that with the above-described combination of Anand, Ando, and Shinozaki, a vertical bar graph may be implemented to indicate current performance relative to a prior period and a plan for a current period.

Regarding claim 9, the above-described system of Anand, Ando, and Shinozaki is implemented in a client/server environment, whereby graphical reports are transferred from a server, over a network, to a client computer (see, for example, see column 6, line 48 – column 7, line 56 of Anand). Shinozaki further teaches that such a network may be a wireless network (see column 18, line 58 – column 19, line 5). Consequently with the above-described combination of Anand, Ando, and Shinozaki, it is understood that the remote computer, i.e. client, may interface to the host computer, i.e. server, via a wireless network.

Claims 14, 15, 28, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Anand and Ando, which is described above, and also over U.S. Patent No. 5,193,055, which is attributed to Brown et al. (and hereafter referred to as "Brown"). As described above, Anand and Ando present a networked-based system and method like that of claims 1 and 18, respectively, which are for managing a business organization having performance information stored electronically in a storage device. Anand particularly discloses that such performance information may comprise sales volume information (for example, see column 3, line 66 – column 4, line 14; column 16, lines 38-59; and column 49, lines 33-43). Regarding claims 15 and 29, Anand further discloses that the products, or services, offered by the business organization may be stored in order to organize the performance information of the organization into various levels of granularity (for example, see column 38, lines 34-56). The performance information maintained by the system of Anand and Ando thus comprises sales volume information and service level information. However, neither Anand nor Ando explicitly disclose that the performance information comprises profit information or cash flow information, as is recited in claims 14 and 28.

Like Anand and Ando, Brown presents a system for managing a business organization, the business organization having performance information, such as sales volume information, stored electronically (see column 1, lines 9-14; and column 1, lines 40-63). Various reports, similar to those of Anand and Ando, may be generated from this performance information for presentation to the user (see column 1, lines 40-63). Regarding the claimed invention, Brown discloses that the performance information may comprise profit information and sales volume information (see column 6, lines 34-60; and column 7, lines 11-13).

It would have been obvious to one of ordinary skill in the art, having the teachings of Anand, Ando, and Brown before him at the time the invention was made, to modify the performance information maintained by the system of Anand and Ando, such that the information additionally comprises profit information and cash flow information, as is done by Brown. It would have been advantageous to one of ordinary skill to utilize this combination because such profit and cash flow information is determined and analyzed regularly in business, as is demonstrated by Brown. The system taught by this combination would thus be more useful for analyzing business performance and for managing a business.

Claims 34, 38, and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over the U.S. Patent of Cimral, which is described above, and also over the U.S. Patent of Ando, which is also described above. In general, presents a system for managing a business organization, whereby the performance information of the business organization is maintained, and various graphical representations of this performance information are generated for display to the user (see column 1, line 8 – column 2, line 24). Regarding claims 34 and 38, Cimral particularly teaches gathering, for at least one aspect of the business organization, data indicative of the performance, whereby this performance data is stored in computer memory (see column 3, line 21 – column 4, line 21). Additionally, Cimral teaches processing the performance data so as to produce a graphical representation of the performance data, namely a “project dashboard,” and creating a visually perceptible output displaying the performance data, wherein the graphical representation depicts at least a primary and secondary graphical representation of a particular project, one aspect of the performance data (see figure 3a, in addition to its corresponding

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description in column 4, lines 25-42). While Cimral teaches that the performance data may include data indicative of the actual performance and the performance during a prior period for the business organization (see column 3, line 45 – column 4, line 21), Cimral does not explicitly disclose that the performance data includes planned performance data, as is recited in claims 34 and 38.

Like Cimral, Ando presents a system for graphically presenting the performance information of a business organization, such as the current and previous financial information of the business, for example (see figure 7, and its associated description in column 7, lines 28-40). Regarding the claimed invention, Ando discloses that such performance information may also comprise plan information (for example, see figure 7, and its associated description in column 7, lines 28-40).

It would have been obvious to one of ordinary skill in the art, having the teachings of Cimral and Ando before him at the time the invention was made, to modify the performance information maintained by the system of Cimral, such that the information additionally comprises plan information, as is done by Ando. It would have been advantageous to one of ordinary skill to utilize this combination because such plan information is determined and analyzed regularly in business, as is taught by Ando (for example, see column 1, lines 5-31). The system taught by this combination would thus be more useful in analyzing business performance. Consequently, this combination of Cimral and Ando is understood to teach a method, like that recited in claim 34, which is for portraying the performance of a business organization.

Regarding claim 39, Ando teaches generating a trend chart, which includes visual indicators of the actual performance, planned performance, and the performance of a business organization during a prior period (for example, see figure 7, and its associated description in column 7, lines 28-40). It is therefore understood that the above-described project dashboard of Cimral and Ando, which comprises a plurality of graphical representations of business performance information, may comprise a such a trend chart having visual indications of actual performance, planned performance, and performance during a prior period.

Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Cimral and Ando, which is described above, and also over the U.S. Patent of Hughes, which is also described above. As described above, Cimral and Ando teach a method like that of claim 34, which is for portraying the performance information of a business organization. Cimral and Ando particularly teach generating a project dashboard, which comprises a primary graphical representation of the performance information, as is described above. However, neither Cimral nor Ando explicitly disclose that this graphical representation includes a gas-gauge representation of the performance information, as is recited in claim 35.

Like Cimral and Ando, Hughes discusses displaying a graphical representation of information on a computer display screen (see column 3, lines 52-58 of Hughes). Regarding the claimed invention, Hughes particularly teaches that such a graphical representation may comprise a "gauge" (see column 2, lines 9-24; and column 9, lines 10-24). Such a gauge is considered a "gas-gauge," like that of the present application, because of its resemblance to a gas gauge (see figure 9A, for example).

It would have therefore been obvious to one of ordinary skill in the art, having the teachings of Cimral, Ando, and Hughes before him at the time the invention was made, to modify the system of Cimral and Ando, such that it also may generate reports comprising gas-gauge graphical representations of the performance information, as is taught by Hughes. It would have been advantageous to one of ordinary skill to utilize this combination because such gas gauge representations are useful in analyzing various aspects of data, as is demonstrated by Hughes. The system taught by this combination, having the ability to create a larger variety of graphical representations of performance data, would be thus be more useful for analyzing business performance and for managing a business.

Claims 36 and 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Cimral, Ando, and Hughes, which is described above, and also over the U.S. Patent of Shinozaki, which is also described above. As described above, Cimral, Ando, and Hughes teach a method like that of claim 35, which is for portraying the performance information of a business organization. Cimral and Ando particularly teach generating a project dashboard, which comprises a primary and secondary graphical representation of the performance information, as is described above. Specifically regarding claim 36, such a project dashboard may comprise a vertical bar graph (for example, see figure 3a of Cimral). Neither Cimral, Ando, nor Hughes, however, explicitly disclose that the secondary graphical representation includes a vertical bar graph having color coded regions thereon, as is recited in claim 36.

Like Cimral and Ando, Shinozaki presents a network-based system which is used for managing a business organization (see column 3, line 25 – column 4, line 40 of Shinozaki). Such a system particularly is used to generate a graphical report of performance information for the business organization, whereby like Cimral and Ando, this performance information comprises current and previous performance information (see column 4, lines 26-40; and column 14, lines 32-47). Regarding the claimed invention, Shinozaki teaches implementing a vertical bar graph to present this performance information to the user, whereby the bar graph comprises color coded regions in order to differentiate between different elements being displayed (see figure 7, and its corresponding description in column 32, line 49 – column 33, line 23).

It would have therefore been obvious to one of ordinary skill in the art, having the teachings of Cimral, Ando, Hughes, and Shinozaki before him at the time the invention was made, to modify the method of Cimral, Ando, and Hughes, to generate project dashboards comprising vertical bar graphs having color-code thereon, as is done by Shinozaki. It would have been advantageous to one of ordinary skill to utilize this combination because such vertical bar graphs are useful in analyzing particular aspects of data, and having color-coded regions provides the ability to compare and contrast different elements of the performance data, as is demonstrated by Shinozaki. The system taught by this combination, having the ability to create and view a larger variety of graphical representations of performance data, would be thus be more useful for analyzing business performance and for managing a business.

In regard to claim 37, Cimral teaches generating a project dashboard comprising a third and even fourth graphical representation of the performance data for a project (see figure 3a, for example). The above-described combination of Cimral, Ando, Hughes, and Shinozaki is

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therefore considered to teach generating a graphical representation depicting a tertiary graphical representation of at least one aspect of the performance data.

Claim 40 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Cimral and Ando, which is described above, and also over U.S. Patent No. 6,014,661, which is attributed to Ahlberg et al. (and hereafter referred to as "Ahlberg"). As described above, Cimral and Ando present a method like that recited in claim 39, whereby a graphical representation of a trend chart indicating business performance data is generated and presented to the user. Neither Cimral nor Ando, however, explicitly disclose that a user may alter an aspect of this trend chart, where in response, a revised trend chart is generated and displayed, as is recited in claim 40.

Like Cimral and Ando, Ahlberg presents a method for producing a graphical representation, such as a trend chart, corresponding to database information (see column 1, lines 10-14; and column 1, line 45 – column 2, line 16 of Ahlberg). Such database information may include business performance information, such as financial data or marketing data (see column 2, lines 50-57). Regarding the claimed invention, Ahlberg discloses that the user may alter at least one aspect of a displayed chart, whereby in response, a revised chart is produced and the display is updated to depict this revised chart (see column 12, lines 1-53).

It would have therefore been obvious to one of ordinary skill in the art, having the teachings of Cimral, Ando, and Ahlberg before him at the time the invention was made, to modify the method of Cimral and Ando, such that the user may alter at least one aspect of a displayed chart, whereby in response, a revised chart is produced and the display is updated to

depict this revised chart, as is taught by Ahlberg. It would have been advantageous to one of ordinary skill to utilize this combination, because the ability to modify the trend charts allows the user to view the trend chart data according to his or her needs, thus providing the user a better understanding of the data, as is demonstrated by Ahlberg.

Claims 41-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Cimral, Ando, and Ahlberg, which is described above, over the U.S. Patent of Brown, which is described above, and also over U.S. Patent No. 5,550,964, which is attributed to Davoust. As described above, Cimral, Ando, and Ahlberg present a method like that recited in claim 40, whereby a trend chart is displayed to the user, and the user may alter one or more aspects of this trend chart. For example, a trend chart may be generated over a particular length of time (for example, see the trend chart in figure 7 of Ando), and the user may alter this range, i.e. length of time, to any subset recorded in the database (see column 12, lines 1-53 of Ahlberg). It is understood that this range may consist of the year-to-date, last twelve months, and last three years, like recited in claim 43, since the performance data over such a time period may be maintained in the database. Although the trend chart may display monthly values of the performance data (for example, see column 4, lines 19-30 of Ando), neither Cimral, Ando, nor Ahlberg explicitly disclose that the user may choose to alter the trend chart to display year-to-date values, change from prior year values, or percent change from prior year values, as is expressed in claims 41 and 42.

Like Cimral and Ando, Brown presents a system for managing a business organization, the business organization having performance information, such as sales volume information,

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stored electronically (see column 1, lines 9-14; and column 1, lines 40-63). Various reports, similar to those of Cimral and Ando, may be generated from this performance information for presentation to the user (see column 1, lines 40-63). Regarding the claimed invention, Brown notes that the database may maintain and display monthly values, year-to-date values, and change from prior year values of the performance information.

It would have therefore been obvious to one of ordinary skill in the art, having the teachings of Cimral, Ando, Ahlberg, and Brown before him at the time the invention was made, to modify the method of Cimral, Ando, and Ahlberg such that year-to-date values, and change from prior year values of the performance information are maintained by the database for presentation to the user, as is done by Brown. It would have been advantageous to one of ordinary skill to utilize this combination, because such year-to-date and change from prior year information is determined and analyzed regularly in business, as is demonstrated by Brown. The system taught by this combination would thus be more useful for analyzing business performance and for managing a business. As the concept of percentages is well known in the art, change from prior year values are considered functionally equivalent to percent change from prior year values. Cimral and Ando teach that such values may be presented via a trend chart, as is described above, and Ahlberg teaches providing an option to the user to select a set of such values for display via the trend chart (for example, see column 12, lines 21-39). Cimral, Ando, Ahlberg, and Brown thus teach presenting user-selectable options for alteration of a trend chart, the options including type of monthly data, specifically monthly values, year-to-date values, change from prior year values, and percent change from prior year values, and the options also including a length of time series, specifically year-to-date, last twelve months, and last three

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years. However, neither Cimral, Ando, Ahlberg, nor Brown explicitly disclose that a user may also select a number of months over which a moving average is calculated, as is expressed in claims 41 and 44.

Like Cimral, Ando, Ahlberg, and Brown, Davoust presents a method for maintaining financial data, such as for a business organization, and presenting a graphical representation of this financial data (for example, see column 2, line 44 – column 3, line 15; and column 7, line 60 – column 8, line 5). Regarding the claimed invention, Davoust teaches providing a user selectable option for applying a moving average to the graphical representation, whereby the user may also select the number of data values over which to calculate the moving average (see column 2, line 44 – column 3, line 15; column 10, line 54 – column 11, line 17; and column 13, line 58 – column 14, line 19).

It would have therefore been obvious to one of ordinary skill in the art, having the teachings of Cimral, Ando, Ahlberg, Brown, and Davoust, before him at the time the invention was made, to modify the method of Cimral, Ando, Ahlberg, and Brown to provide an option for a user to apply a moving average analysis to the trend graph, and to select the number of data values over which to calculate the moving average, as is taught by Davoust. As Ando teaches that such data values may be monthly values (for example, see column 4, lines 19-30), selecting the number of data values over which to calculate the moving average equates to selecting the number of months over which the moving average is calculated. It would have been advantageous to one of ordinary skill to utilize this combination, because such a moving average is useful in determining trends in data, as is demonstrated by Davoust. The system taught by this

combination would thus be more useful for analyzing business performance and for managing a business.

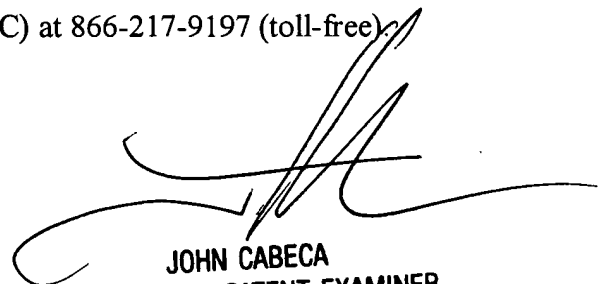
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blaine Basom whose telephone number is (703) 305-7694. The examiner can normally be reached on Monday through Friday, from 8:30 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (703) 308-3116. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

btb



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